



CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: June 11, 2020
LAW DEPARTMENT: June 12, 2020
RECORDS DEPARTMENT:

**SIXTH SUPPLEMENTAL EMERGENCY REGULATION GOVERNING
THE CONTROL AND PREVENTION OF COVID-19
(MANDATORY DATA REPORTING ORDER)**

WHEREAS, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

WHEREAS, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of the Commonwealth of Pennsylvania issued a Proclamation of Disaster Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

WHEREAS, Sections 6-205 of The Philadelphia Code provide that the Department of Public Health may by order take such measures as are necessary to prevent the further spread of a communicable and quarantinable disease before the Board of Health is able to meet to promulgate regulations; and

WHEREAS, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which, in pertinent part, expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

WHEREAS, COVID-19 case investigation involves identifying and investigating persons with confirmed or probable diagnoses of COVID-19; and

WHEREAS, the U.S. Centers for Disease Control and Prevention ("CDC") list of critical data elements for laboratory reporting of COVID-19 cases includes race, ethnicity, provider name, and provider National Provider Identifier number, among other data elements; and

WHEREAS, the Department of Public Health has received COVID-19 case reports that do not contain some of these CDC-identified critical data elements, hindering case investigation and other COVID-19 control and prevention efforts; and

WHEREAS, COVID-19 contact tracing involves identifying, monitoring, and providing support to contacts of case investigation subjects believed to have been exposed to the virus, and is a necessary component of successfully preventing the spread of COVID-19, particularly as social and business activities increase; and

WHEREAS, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations, including those who suffer from high blood pressure, type 2 diabetes mellitus, heart disease, asthma, COPD, kidney disease, or a compromised immune system; and

WHEREAS, CDC guidance instructs health departments to prioritize case investigation and contact tracing activities based on, among other factors, risk for severe disease, which necessitates reporting of certain data, including data on certain underlying conditions; and

WHEREAS, on June 11, 2020, the Health Commissioner issued an “Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19)” (“Emergency Reporting Order”), which supplements the Department of Public Health’s Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions on a temporary and emergency basis, specifically the requirements set forth in the Regulations Pertaining to the Control of the Infected Individuals, Contacts, and Environment for Each Reportable Disease with respect to COVID-19 to provide for enhanced data reporting in support of COVID-19 case management, contact tracing, and other COVID-19 control and prevention measures; and

WHEREAS, the Board of Health agrees with these determinations, and recognizes that timely and comprehensive COVID-19 data reporting in support of case management, contact tracing, and other control or prevention measures is necessary to limit the spread of COVID-19; and

WHEREAS, consistent with the foregoing, the Board hereby promulgates the below Sixth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Data Reporting) to adopt the Health Commissioner’s June 11, 2020 Emergency Reporting Order, as a temporary regulation effective upon delivery to the Department of Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate these amendments as a permanent regulation; and

NOW, THEREFORE, the Board of Health hereby adopts the following regulation, effective immediately:

1. This Emergency Regulation supplements the Philadelphia Department of Public Health’s *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* and its other emergency regulations governing the control and prevention of COVID-19.

2. The Board hereby fully adopts the Health Commissioner’s June 11, 2020 “Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which provides for enhanced data reporting in support of COVID-19 case management, contact tracing, and other COVID-19 control and prevention measures, and which is attached hereto, as Attachment A.

3. This Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

EMERGENCY ORDER CONCERNING MANDATORY REPORTING OF CERTAIN DATA TO PREVENT THE SPREAD OF 2019 NOVEL CORONAVIRUS (COVID-19)

WHEREAS, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

WHEREAS, Section 6-202 of the Code specifically requires every person to provide “such information and reports to the Department [of Public Health] as may be required” under the Code or applicable regulations to “insure the proper control of communicable disease”; and

WHEREAS, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, Section 6-205 of the Code authorizes the Department of Public Health to issue emergency orders to implement measures that are necessary to prevent the spread of disease when; and

WHEREAS, on March 12, 2020, the Philadelphia Board of Health approved an emergency amendment to its *Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions* to, among other changes, add COVID-19 to the list of reportable and quarantinable diseases; and

WHEREAS, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which expressly authorized the Health Commissioner to issue such additional orders as the Health Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

WHEREAS, COVID-19 case investigation involves identifying and investigating persons with confirmed or probable diagnoses of COVID-19; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (“CDC”) list of critical data elements for laboratory reporting of COVID-19 cases includes race, ethnicity, provider name, and provider National Provider Identifier number, among other data elements; and

WHEREAS, the Department of Public Health has received COVID-19 case reports that do not contain some of these CDC-identified critical data elements, hindering case investigation and other COVID-19 control and prevention efforts; and

WHEREAS, COVID-19 contact tracing involves identifying, monitoring, and providing support to contacts of case investigation subjects believed to have been exposed to the virus, and is a necessary component of successfully preventing the spread of COVID-19, particularly as social and business activities increase; and

WHEREAS, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations, including those who suffer from high blood pressure, type 2 diabetes mellitus, heart disease, asthma, COPD, kidney disease, or a compromised immune system; and

WHEREAS, CDC guidance instructs health departments to prioritize case investigation and contact tracing activities based on, among other factors, risk for severe disease, which necessitates reporting of certain data, including data on certain underlying conditions; and

WHEREAS, timely and comprehensive COVID-19 data reporting is necessary for effective case management and contact tracing to limit the spread of COVID-19;

NOW, THEREFORE, I, Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, in my capacity as head of the Philadelphia Department of Public Health and pursuant to all authority granted me under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia, and Pennsylvania laws and regulations, hereby **ORDER** as follows:

Section 1. Supplemental Mandatory COVID-19 Reporting Requirements

A. This Order supplements on a temporary emergency basis the Department of Public Health’s Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions, and specifically the reporting requirements set forth in the Regulations Pertaining to the Control of the Infected Individuals, Contacts, and Environment for Each Reportable Disease with respect to COVID-19 (“COVID-19 Reporting Regulations”).

B. Persons required by the COVID-19 Reporting Regulations to report COVID-19 cases, including laboratories, shall provide the following information simultaneously with the data elements required by the COVID-19 Reporting Regulations for each COVID-19 case:

- i. race;
- ii. ethnicity;

- iii. provider name and National Provider Identifier number, as applicable; and
- iv. if applicable, other data elements requested in writing by the Health Commissioner.

C. Laboratories shall report all COVID-19 test results, including positive, negative, and indeterminate. Positive test results shall be reported immediately. All other test results shall be submitted four times per day at 5 AM - 7 AM; 11 AM - 1 PM; 4 PM - 6 PM; and 8 PM - 11 PM.

D. Persons required by the COVID-19 Reporting Regulations to report COVID-19 cases shall submit all COVID-19 reports electronically in accordance with instruction from the Department, unless the applicable electronic reporting system is unavailable at the time of reporting, in which case such persons shall submit in accordance with other applicable instruction from the Department.

Section 2. Mandatory Compliance with COVID-19 Data Requests

A. As provided below in subsection B of this Section 2, the Health Commissioner may issue a request to any person or entity, including a health care institution or health information exchange organization, for patient data maintained by such person or entity that the Health Commissioner determines, in good faith, is necessary or appropriate for the Department of Public Health to implement a control or prevention measure to limit the spread of COVID-19.

B. Upon receiving a written request from the Health Commissioner under this Section 2, the recipient shall report to the Department of Public Health the data elements specified in the request for each patient identified in the request as provided in paragraphs B(i) and B(ii). The Health Commissioner may identify patients by category, including by requesting data for patients known or reasonably believed to reside within a geographical area the Health Commissioner delineates which may extend beyond the boundaries of the City of Philadelphia, to the extent necessary or appropriate to conduct effective COVID-19 case investigation and contact tracing.

i. For reporting requested for patients known or reasonably believed to reside outside of the City of Philadelphia in any designated geographical area or areas as are identified in the request, the following data elements shall be provided:

- a. name;
- b. sex;
- c. phone number;
- d. either date of birth or age, as requested; and
- e. address.

ii. For reporting requested for patients known or reasonably believed to reside in the City of Philadelphia, the following data elements shall be provided:

- a. name;
- b. sex;
- c. either date of birth or age, as requested;
- d. address;
- e. phone number;
- f. e-mail address;
- g. if requested, the person reporting shall provide either (i)

diagnostic codes for underlying conditions that may predispose patient to severe COVID-19 identified in the request, or (ii) a rating of such patients' risk level for predisposition to severe COVID-19 based on the diagnostic codes for underlying conditions identified in the request, in accordance with instruction from the Department, provided the person reporting may choose between (i) and (ii); and

h. such other data elements requested the Health Commissioner determines are necessary for efficient case management or contact tracing purposes, taking into consideration the time sensitivity of such control activities.

C. Reporting pursuant to this Section shall be in a form and manner specified in the Health Commissioner's written request.

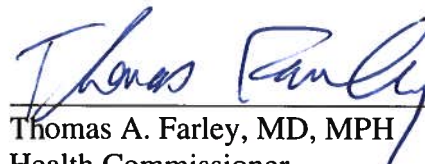
Section 3. Confidentiality

Any information obtained under this Order from which the identity of an individual could be determined, shall be confidential and shall not be subject to public disclosure or disclosure outside the Department except to the extent necessary for the Department to perform its obligations under the Disease Control and Prevention Act and the Department's associated regulations, including necessary contract tracing. All such confidential information will be maintained in a manner consistent with the confidentiality standards applicable to the Department's maintenance of case records as set forth at 28 Pa. Code § 27.5a.

Section 4. Effective Date and Duration

This Order shall be effective as of 11:59 PM on the date it is signed, and shall remain in effect indefinitely, until rescinded, superseded, or amended by further Order. Failure to comply with this Order shall result in the imposition of fines, penalties, and such other remedies as provided for by law.

Date: June 11 2020



Thomas A. Farley, MD, MPH
Health Commissioner
City of Philadelphia